

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

WERNER AERO SERVICES, on behalf of
itself and all others similarly situated,

Plaintiff,

v.

CHAMPION LABORATORIES, INC.;
PUROLATOR FILTERS N.A. L.L.C.;
HONEYWELL INTERNATIONAL INC.;
WIX FILTRATION PRODUCTS;
CUMMINS FILTRATION INC., THE
DONALDSON COMPANY; BALDWIN
FILTERS INC.; BOSCH USA; MANN +
HUMMEL USA, INC.;
ARVINMERITOR, INC.; and UNITED
COMPONENTS, INC.,

Defendants.

Senior Judge Echols

Magistrate Judge Griffin

Case No.: 3:08-cv-00474

**DEFENDANTS' CONSENT MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT AND MEMORANDUM IN SUPPORT**

Defendants Champion Laboratories, Inc., Purolator Filters N.A. L.L.C., “Bosch U.S.A.”¹, Mann + Hummel U.S.A., Inc., ArvinMeritor, Inc., Honeywell International Inc., Wix Filtration Corp. LLC, Donaldson Company, Inc., Cummins Filtration Inc., Baldwin Filters, Inc. and United Components, Inc. (the “Defendants”) hereby move the Court, pursuant to the Federal Rules of Civil Procedure, for an order enlarging the time for Defendants to respond to the complaint in this action for thirty (30) days. Plaintiff Werner Aero Services (“Plaintiff”) consents to the relief requested in this motion. This motion is not intended to waive any defenses that Defendants may have, including, but not limited to, the defenses of insufficiency of the

¹ Plaintiff named “Bosch U.S.A.” as a defendant in this action, but delivered the Summons and Complaint for Bosch U.S.A. to Robert Bosch LLC. Undersigned counsel is unaware of any entity named “Bosch U.S.A.” and represents Robert Bosch LLC for purposes of this Motion.

service of process, improper venue, and lack of personal jurisdiction. The grounds for this motion are as follows:

1. On May 9, 2008, Plaintiff filed the complaint in this action, which alleges violations of Section 1 of the Sherman Act, 15 U.S.C. § 1. Plaintiff styled the complaint as a putative class action.

2. As of the date of this motion, plaintiffs have filed at least thirty-three similar complaints in federal district courts throughout the United States. All of these complaints also allege federal and/or state antitrust claims against Defendants and are styled as putative class actions.

3. Currently four separate motions are pending before the Judicial Panel on Multidistrict Litigation (the “JPML”) to transfer and consolidate all existing and subsequently filed antitrust actions related to the claims alleged in the complaint in a single district for coordinated pretrial proceedings pursuant to 28 U.S.C. § 1407.

4. In light of the multiple complaints on file, the pending motions before the JPML, and the complex nature of Plaintiff’s allegations, Defendants hereby move, with the Plaintiff’s consent, to extend the time for Defendants to answer or otherwise respond to the complaint in this matter for 30 days, without prejudice to Defendants’ right to seek additional time to answer or otherwise respond to the complaint for good cause shown.

5. Counsel for Champion and United Components conferred with counsel for Plaintiff prior to filing this motion and was advised that Plaintiff consents to the relief requested herein.

6. Defendants have not previously requested an extension of time to answer or otherwise respond to the complaint.

WHEREFORE, Defendants respectfully request that this motion for an order enlarging the time for Defendants to respond to the complaint in this action for thirty (30) days be granted. A proposed order is submitted herewith at Exhibit A.

Dated: June 2, 2008

Respectfully submitted,

/s/ Joshua R. Denton

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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2008, a copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt and/or by U.S. Mail, including counsel as indicated below.

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[PROPOSED] ORDER

Based on DEFENDANTS' CONSENT MOTION FOR AN EXTENSION OF TIME TO RESPOND TO THE COMPLAINT, and good cause appearing therefrom, IT IS HEREBY ORDERED that the motion is GRANTED. The time for all Defendants in this matter to respond to Plaintiff's complaint shall be extended for thirty (30) days.

Dated this _____ day of June, 2008.

Judge
United States District Court

Approved for Entry:

/s/ Joshua R. Denton

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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2008, a copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt and/or by U.S. Mail, including counsel as indicated below.

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